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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,271	02/02/2004	Wolfgang Schmidt	0275M-000865	2316
27572	7590	06/28/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			SHAW, CLIFFORD C	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

1725

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,271

Applicant(s)

SCHMIDT ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0202</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

1.) In applicant's "Information Disclosure Statement" filed on 2/2/2004, in the "Other Documents" section of the associated form PTO-1449, he lists two "Patent Abstracts of Japan" publications. These two citations have been crossed through as "not considered" by the examiner because no copies of the corresponding documents were filed. If applicant wishes these documents to be considered, he is to provide copies of the same.

2.) The foreign priority status of the instant application is unclear. On 2/2/2004, applicant filed a document labeled "English translation of priority document" and the parent PCT application has a priority based on a German application no. 101 38 959.0 filed on 8/1/2002. However, applicant has made no explicit claim for foreign priority. If applicant wishes to claim foreign priority, he is to make an explicit claim.

3.) The drawings are objected to. The boxes in the flow chart of figure 3 are labeled in German. Applicant is to resubmit this drawing with English labels.

4.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5.) Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raycher et al. (4,804,811) taken with Ehrlich (3,526,744). The patent to Raycher et al. (4,804,811) discloses a short-time arc welding system that welds an element (i.e., a stud) to a component (i.e., a workpiece) with features claimed, including: a welding head device at 14 in figure 1; a control and energy device at element 10 in figure 1; a safety switch that monitors various safety and operational functions encompassing element 53 (figure 3) and the monitoring operations performed by the control system based on microprocessor 30 (figure 2) and discussed in columns 9-10. In particular, note the safety functions associated with elements 54 and 55, and note the teachings at column 10, lines 59-68 of deactivating the power supply while a system operation is selectively operated. In regard to the claim limitations directed to authorization for the system, see the discussion at column 12, lines 39-62 of password access. The claims differ from the system of Raycher et al. (4,804,811) in calling for a feed control device or in calling for control of element feed and in calling for various control options associated with the same. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have incorporated a feed control device into the system of Raycher et al. (4,804,811), the motivation being the teachings of Ehrlich (3,526,744) that it is advantageous to include a feed control arrangement in a stud welder (see elements 42, 54, and 16 in Ehrlich (3,526,744)). In incorporating this feature into Raycher et al. (4,804,811), it would have been obvious to have controlled the same on the basis of the computer based controller as taught by Raycher et al. (4,804,811), thereby satisfying the various control limitations for the feed control device.

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6.) The patents to Golonka, Sr. et al. (4,241,285) and to Wilkinson et al. (4,456,808) are cited to show prior art stud welding systems that include safety shut-down features.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

June 23, 2005